

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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GAYLE JENTZ, on behalf of herself  
individually an behalf of all others similarly  
situated,

Plaintiff,

Case No. 1:23-cv-06944

v.

TEACHERS INSURANCE AND ANNUITY  
ASSOCIATION OF AMERICA,

Defendant.

**STIPULATION AND ~~PROPOSED~~ ORDER**

WHEREAS the two actions, *Jentz v. Teachers Insurance and Annuity Association of America* (“TIAA”), No. 23-cv-06944 and *Lopez v. TIAA*, No. 23-cv-06956 (together the “Related Actions”) are related, stemming from the same alleged incident, and present common questions of law and fact;

WHEREAS, *King v. TIAA*, Case No. 23-cv-7407, *Smuda v. TIAA*, Case No. 23-cv-7020, and *Anderson v. TIAA*, Case No. 23-cv-7437 (together the “Additional Related Actions”), are also related to *Jentz*, stem from the same incident, and present common questions of law and fact;

WHEREAS Federal Rule of Civil Procedure 42(a) provides that the Court may order that actions be joined or consolidated in whole or in part if they involve “a common question of law or fact,” Fed. R. Civ. P. 42(a);

WHEREAS the parties in all five matters have conferred and jointly request that the Related Actions and Additional Related Actions be consolidated;

IT IS ACCORDINGLY STIPULATED AND AGREED that:

- The Related Actions will be consolidated.
- Upon being related and assigned to the same judge as the Related Actions, the Additional Related Actions will be ordered consolidated with *Jentz* and *Lopez*.

- Within 14 days of consolidation of all five cases, the parties will file with the Court a case schedule that sets forth deadlines for an amended, consolidated complaint; TIAA's responsive pleading; and appointment of interim lead class counsel.

Dated: August 29, 2023

By: /s/ Gary M. Klinger

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By: /s/ Marc R. Shapiro

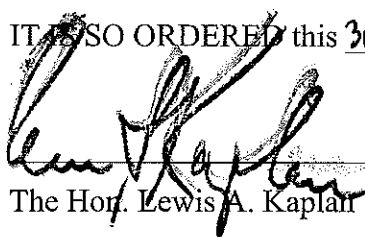
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Teachers Insurance and  
Annuity Association of America*

*\*Pro Hac Vice Application Forthcoming  
Counsel for Plaintiff Gayle Jentz and the  
Proposed Class*

IT IS SO ORDERED this 30<sup>th</sup> day of August, 2023

  
The Hon. Lewis A. Kaplan

United States District Judge